

Cross-Party Group on Crofting

Friday 17 May, 11.30am to 1.30pm at Great Glen House, Inverness and by Teams.

Minutes

Present

MSPs

Edward Mountain (convener)
Ariane Burgess
Rhoda Grant
Rachael Hamilton
Beatrice Wishart

Invited guests

Bill Dundas (Scottish Government)
Stuart McAdam (Food Standards Scotland's Scottish Food Crime and Incidents Unit)
Claire Hardy (James Hutton Institute)
Dave Bartley (Moredun)
Stewart Burgess (Moredun)
Michael Nugent (Scottish Government)

Non-MSP Group Members

Donna Smith (Secretariat)
Bill Barron
Aileen Rore
Rosemary Champion
Sandy Murray
Alan Wyper
David Muir
Jonathan Hedges
Robert Mcgeachy
Rhona Elrick
Donald Bruce
Jim MacPherson
Jackie McCreery
Donald MacKinnon
Andrew Elton
Karen MacRae

Donald MacSween
Stuart Grant
Miranda Geelhoed
Philip Coghill
Donald Murdie
David Muir
Susi Stuehlinger
Innes Munro
Jeanette Sutherland
Billy Neilson
Soheila Sourbaji
David Cameron
Russell Smith
Alasdair MacNab
Michael Foxley
Rod MacKenzie
Maria de la Torre

Apologies

Alasdair Allan (MSP)
Andrew Thin
Gary Campbell
Malcolm Mathieson
Sandra Holmes
Siobhan Macdonald
Iain Laidlaw
Nial Evans
Jamie McIntyre

Agenda item 1

Welcome and apologies

The convener welcomed everyone to the meeting and apologies were noted.

Agenda item 2

Agreement of the minutes of the last meeting

Minutes of the meeting of March 5th 2024 were approved.

Agenda item 3

Bill Dundas (Scottish Government) has given an update on work being done on Scottish Ministers estates around crofters duties and work being done on Skye to manage conflicts between tourists and crofters at iconic sites.

On Duties, main points included

- The Rural Payments Inspections Divisions carry out landlord responsibilities on behalf of Scottish Ministers on their crofting and farming estates covering about 95,000 hectares of land, which is predominately croft land. With approximately 1500 tenants Scottish Ministers are one of the biggest crofting landlords, and landlord functions are predominantly delivered through local area offices.
- The starting point for our work was the National Development Plan for Crofting, which has, as one of its key pillars, increasing active use and occupancy of crofts and encouraging young entrants. We realised that it is entirely possible for us as landlord to manage our tenants in terms of duties.
- Taking advice from the Crofting Commission we started by writing every single of our tenants, informing them of our new policy to actively

manage that they will meet their duties to cultivate and not misuse or neglect, and, if they did not, we would find a solution.

- Based on the tenants' contact details we were able to identify people of whom we could suspect that they are in breach of their residency duties. We approached those tenants to provide evidence that they in fact are meeting their duties. We only focused on residency duties to start with because it seemed easier to assess as a desk-based exercise than the other duties, yet, we do want look at the other duties in the future, too.
- Our team in Tiree who is tasked with investigating the breaches of duty had an encouraging response from people who received the letter and there have been only few individuals who have refused to engage. If a breach of residency duty is found, we have two preferred options, those being either taking up residency or assigning the tenancy to someone else, but obviously we cannot prevent someone from applying for a sublet or as consent to be absent from the Commission. We will not facilitate croft sales but instead address the breach of duties first.
- Circumstances will vary and we assess these on a case-by-case basis. Up until now we have secured a few assignments, a few requests to be absent, as well as a few sublets. Only a few have not replied and will catch them. We had a few cases where we resolved situations where grazing shares had become detached from the croft in the past and we have tried to put them back in place with the owner or with someone who actually wants to use them. In some instances the process led to people being encouraged to start conversations about succession which is one of the most difficult topics for crofters and farmers to address. So far, no case has been taken to the Land Court. Managing our duties is a lifetime project now.

Discussion

Comment: How do the Scottish Ministers, as a landlord, think that the lotting process as currently proposed in the draft Land Reform Bill will affect them? Or will the Scottish Government as a landlord be excluded?

Question: How many crofts are currently being investigated?

Response: We have only just started, with Benbecula and Barra. In Barra we potentially have the largest numbers of breaches of duty, about 40 tenants appear not to be residents. We have started on Sutherland and will be looking at Skye, soon, too, it takes time to engage with all the individuals and we are

doing this within our existing staffing resources, so this is a step-by-step process and a long-term commitment.

Question: Could you, through your work, find out more about the reasons for people being absent?

Response: It important to open up this dialogue, everyone's circumstances are different.

Comment: I wondered whether people are absent because their crofts are unfenced and unworkable and depending on what the government is willing to support under the new Agriculture Bill, this could be quite a game changer.

Question: How could the approach the Scottish Ministers are taking be replicated?

Response: We could be sharing what we are doing with other crofting landlords and particularly community landlords might have an interest and we would be happy to share our letters and our process, yet, it is still quite early days.

Question: What is the approximate percentage of tenants that are absent out of 1500 tenants?

Three or four per cent. Not as many as you would think. With regard to the 32 kilometre rule we have to apply a certain amount of logic as to where exactly the line is drawn since in some instances people might still work the croft despite being slightly over that threshold.

Question: We done some research last year in Wester Ross where we've see huge loss in active crofting. Looking at the barriers to bringing those crofts into active use again one of the major issues we found is the lack of housing. How to deal with people who effectively are buying crofts as second homes?

Response: Our role as landlord is limited, we ensure that the tenants meet their duties or assign the croft to someone else, but we do not have control over whom they assign the croft.

Comment: It is encouraging that the Scottish Government as one of the largest landlords takes a proactive role.

Question: The residency duty you are focusing on is a very prescriptive, black-or-white duty. Where will you be setting the bar in respect to other duties, when it comes to lack of cultivation or purposeful use, misuse or neglect?

Response: We have taken the easiest route to find our feet and build a process. We do not know yet how we are going to proceed with other breaches duties. We will learn from what we are finding just now and this will inform our future work and also will be fed back to the Crofting Commission.

Question: One of the options you set out was that people in breach of duty could purchase house and garden – but what would happen with the rest of the croft?

Response: We do not want to take people's house away since this may have highly emotive connections. This will then allow to assign the rest of the croft to a tenant.

Question: What if a breach of duty is established?

We have a clear policy when it comes to re-letting, ideally we would want the tenant to resolve this themselves.

On measures in relation to tourism, main points included

- Measures taken to deal with increasing visitor volumes and the problems this causes to resident crofters – in partnership with the Highland Council, NatureScot, the Outdoor Access Trust and the local Tourism Body – included: a new network of new footpaths and more parking opportunities at the Old Man Storr, and new car parks in collaboration with local grazings committees at Fairy Glen and the Quiraing which generate significant income (20% of the income goes to the Highland Council and the rest we share 50:50 with the grazings committees). Another project to provide more parking opportunities and upgrading paths is currently undertaken at Coral Beach.

Discussion

Comment: The parking problem at Fairy Glen has been resolved insensitively. Local residents have asked for a shuttle bus and the car park is nothing near big enough. The original suggestions of a shuttle bus should be reconsidered, the road cannot cope with the amounts of traffic.

Comment: Generally, I think the route forward is encouraging and I only wish there were more crofting estates in Scottish Government ownership if this results in these standards, especially with regard to enforcing crofters' duties. Every time a crofting estate comes on the market there should be a default position for Scottish Government to purchase this estate on behalf of the Scottish People.

Comment: The Outdoor Access Code is now twenty years old and might need updating to remind people how to responsibly exercise their access rights.

Agenda item 4

Stuart McAdam (Food Standards Scotland's Scottish Food Crime and Incidents Unit) has given an update on their campaign related to prevention of on-farm poisoning.

Main points included

- Food Standards Scotland was established in 2015 as a new public sector food body for Scotland to protect health and wellbeing of consumers and relationship issues around food, feed, law and standards. Our and key priorities are public health, consumer protection and taking action to address preventable food-borne illness.
- The incidents team is concerned with routine and non-routine coordinate with other public bodies such as local authorities in case of arising health risks. We also inform the publish notices to advise the public on particular risks such as allergy alerts and recall notices. An incident is defined 'as any event, where based on information available, there are concerns about actual or suspected threat to the safety, quality, integrity of food and/or feed that could require intervention to protect consumers.
- Farm food poisoning usually is related to lead or copper poisoning: In the past four years 680 cattle have been restricted from the food chain and 70 have died as a result from lead or copper poisoning. If products from poisoned animals such as milk or meat enter the food chain this poses a risk to human health
- Lead poisoning may come from old car batteries, old, flaking lead paint and bonfire ashes. Symptoms include blindness, tooth grinding, bobbing heads, twitching eyes and ears, frothing at the mouth, muscle tremors, staggering and convulsions.
- Copper poisoning in sheep may come from cattle minerals and feeds and boluses as well as from feeding distillery byproducts, other sources may include copper sulphates footbaths, fungicides and copper pipes. Symptoms include weakness, aimless wandering, head placing and yellow eyes and yellow skin.
- Important steps to avoid lead and copper poisoning include: checking that vehicle and fence batteries are stored securely and out of reach for animals; check fields for fly tipping; check buildings for old lead paint peeling off; make sure that feed supplements are administered in the correct amounts.

Agenda item 5

Claire Hardy (James Hutton Institute), David Bartley (Moredun) and Stewart Burgess (Moredun) has given an update on their work on sheep scab interventions.

Main points included

- The work conducted in Harris and Lewis in relation to sheep scab control.
- Sheep scab is endemic in the UK and affects about 10 to 15% of all farms and costs between 80 and 200 Million pounds a year.
- It is a very awful disease which is spread by direct contact. Extreme signs include wool loss, itching and sheep rubbing against fence posts but often the signs will not be as obvious and more subtle so there is a risk that the disease remains undiagnosed.
- There are only two forms of treatment: macrocyclic lactone injectables, and then the organophosphate plunge dips. That's all we've got and we have resistance in sheep scab mites to those injectable treatments already.
- There are certain hotspots for the disease which enables us to concentrate efforts on those particular areas. We have been doing workshops in Lewis and Harris together with crofters, the local vet and the Lewis and Harris Sheep Producers Association to raise awareness and discuss best practice in disease control.
- There are a lot of guidelines in this respect but they are not practical to be used in crofting areas, particular with the challenges posed by common grazings leading to a high connectivity between the individual crofting systems. Common grazings increase the risk of contracting sheep scab so. We have been discussing with crofters how we could whip up support to introduce some more coordinated prevention and treatment for scab.
- We decided that the best thing to do was do some blood sampling and the best time for this potentially being around gathering and scanning time. We also identified that the dipping infrastructure was not sufficient and that we would need to bring in a mobile dipper but that there were also additional issues around logistics and the need for more people and trailers to bring sheep to central points.
- So we went in really early with testing across Lewis and Harris we sampled 105 flocks around scanning time in February. We found three flocks with clinical signs of scab and a further 17 that came out positive from the blood test. As it was just a couple of weeks before lambing a treatment by plunge dipping was not an option so we treated all cases and those connected to them with injectables.

- In the following year we decided to do a coordinated plunge dipping across the affected areas bringing a mobile dipping system and contractor to the Islands. This kind of “deep fat fryer” type dipping systems have a basket which will lower the sheep gently into the tank which allows for the process to be well controlled and those dippers can do about 3000 sheep in a day. We coordinated the movement of a large number of flocks from and to the dipper stops over a period of about six weeks in total with an initial focus on the areas where we previously identified positive cases.
- The uptake was considerable and in total we have dipped almost 30,000 sheep across Lewis and Harris last October and November. Since flock sizes are comparably small in this equates about 400 individual crofts so this was a huge undertaking by the local crofting community.
- There is a clear impact of this in terms of the amount of scab we see and we also have offered testing and treating wintering flocks returning from the mainland in order to not reintroduce the disease through potential infections on the mainland.
- There was also an unforeseen societal benefit of getting people back together again working collectively after this had dropped due to covid and since collective working has become less common in general due to crofting communities getting older.
- We are just waiting for the confirmation of funding for a further year, since crofters want us to repeat dipping this year and I am pretty sure that we will do this again this autumn. We really want to hammer Lewis and Harris scab and make sure to keep it out afterwards.
- Another issue that did arise in the discussions in Lewis and Harris were about roundworms. There was variable knowledge in terms of treatments. And as in lots of other places diagnostics are not commonly used given the efforts involved of collecting samples, sending them away, waiting for them to be returned, but this is an area that can be resolved with a bit of effort.
- Anthelmintic resistance within sheep systems is not widely considered, but there is a real interest and desire to use treatments more effectively. So we were looking at options to increase resources to improve egg counting in Lewis and Harris.
- We also developed a web resource to help farmers and crofters to collect and analyse samples themselves

- There has also been a trip of crofters from Lewis and Harris funded by the Scottish Government to look at their whole-island approach to keeping their island flocks safe. In Shetland, an approach is applied where everything that comes onto the Island is tested and treated. We are not trying to impose this approach on anyone but are interested in facilitating it if there is interest. We are going to try and have a meeting to see whether we can initiate and establish a pan-Island approach and network to this.

Discussion

Comment: This is an excellent project and inspired crofters in Skye as well. But one of the barriers we came across is with people relying on injectables because their licenses for dipping will lapse and there is a financial barrier in terms of fees to obtain new licenses.

Response: In Lewis and Harris the approach to this has been very flexible and fees have been waived for reinstating licenses and adapting licenses to common grazings. We hope that this approach will continue. The fees involved for a small area of common grazing are about 700 to 800 pounds which is a lot cheaper than in Wales for example but it is still a barrier to best practice. Also, we are trying to discuss these issues collectively across the UK to make the process as simple as possible

Question: Would it be worth to write a letter to the Scottish Government to ask for more collaboration in this area?

Comment: It is encouraging to see more people to use dipping instead of injectables which was probably the most common approach for the last decade. Hopefully the coordinated dipping will happen again this year and I would imagine more people taking part this time. Also, the conversations continue after our trip to Shetland so there is a legacy from the work that has been carried out and the money that has been spent.

Comment: I would like to say that this has been a positive experience and I am pleased that this will be carried on. While crofting and common grazing is a big risk factor it was great to see the enthusiasm to do something about it and taking this forward. Also, the experience showed that while some might have fallen out of the practice of working together the skeleton of this still existed, and still was functioning well in other areas, too. I think it is thus worth mentioning that getting this form of collaboration up and running again may have been easier than in other areas. We are keen to further think about how we can work closer with other island groups.

Question: What is the scale of cost of cure compared to a preventive approach as taken in Shetland?

Response: The costs are reasonably high, especially when you are talking about Island-wide control. You are potentially talking about 1.20 pounds to dip a sheep with a mobile contractor on the Mainland, but obviously in an Island

location that requires transportation of the infrastructure and also the coordination required makes it much more expensive. We charged crofters 50 pence per head just so that they could feel that they were buying into the whole process as well. In the longer term we hope to get some funding to install a mobile dipping Trailer in Lewis and Harris so that crofters can do this under their own steam rather than relying on contractors, because obviously that increases cost as well. If we are talking about a disease control perspective we are talking about testing as in a Shetland or Orkney type of system which requires infrastructure and the control of animal movements, so with this comes a large one-off cost and then the cost for management. In this scenario it is hard to gauge the long-term cost but you would expect this to come down significantly over the next couple of year.

Comment: In my previous career I was a veterinary practitioner and in 25 years this will be the 4th iteration of sheep scab control that I have been involved in. None of the previous ones were successful and I would be happy to meet with you and discuss in more detail why they were not successful and the steps I think you should consider to put in place to make it more successful. One thing that needs to be addressed very urgently is the licensing system and not only in terms of dipping. We also need to make sure that there is a long-term perspective and that things are not just falling apart. You need to encourage people to coordinate but the most important thing is to identify the barriers of human behaviour and animal management that allow this dreadful disease to continue. After 40 years, the positive side is we might get a vaccine one day.

Response: We are working on a vaccine for scab at Moredun but you would not want to bring the vaccine into a situation of high levels of disease so the idea is that we try to reduce prevalence across the UK as much as we can

Action: SCF and Stewart Burgess will draft a letter to the Scottish Government on possibilities to reduce the cost of licensing.

Agenda item 6

Michael Nugent (Scottish Government) has given an update on the Crofting Bill consultation plans.

Main points included

- Since the last update to this group in January, the Crofting Bill team has doubled in size with the arrival of Bill Barron, the former CEO of the Crofting Commission.
- Since January, the Crofting Bill Group has met three times and we have used a lot of that time to draft a consultation that hopefully reflects the discussions and outcomes of that group.

- The group discussed a wide range of issues covering topics such as deemed Crofts, duties on common grazings sanctions, definition of crofting community, to name a few.
- Of the 50 proposals put to the Bill group, over 17 meetings and delighted to say that we have reached a consensus on 41 of them, which is over 80%. Eight items remain under discussion and one is still to be discussed with the first time, so these discussions will continue throughout the summer and the autumn.
- A draft of the Crofting Bill consultation has now gone through the majority of the internal process and we're very near to the point where the consultation and all the necessary papers will be sent to the relevant Minister and Cabinet Secretary for clearance.
- I am very hopeful that it will be in a position to launch the consultation in the coming weeks. Once it's launched we will put in place a timetable for some stakeholder engagements throughout the crofting counties to discuss the proposals. We are looking to hold our own 14 to 15 events and we might also hold some online meetings for those who can't make it to the events in person.
- Once we have the analysis of the responses, we can ensure that there is a presentation given to this group.

Discussion

Question: What is the aim for the Bill to come forward time-wise?

Response: I do not yet have a date, this decision will be taken in the context of the government's legislative priorities. There is a commitment to reforming crofting law in this parliamentary term, although this is subject to the caveat that it obviously has to be agreed by Parliament. We are working towards a bill next year, potentially in the spring, but no date has been confirmed yet.

Agenda item 7

AOB

- Common Grazings and how they will be treated under the new agricultural support system has still not been discussed by Scottish Government. A request was made for it to be on the agenda of a future meeting.

Action: A letter to be sent to the Scottish Government from the Cross Party Group highlighting this issue and requesting attendance at a future meeting to give an update.

- It has been flagged that the croft house grant scheme currently covers £38,000. This should be increased. CAGS has been frozen at £25,000 pounds per individual over 24 months but this does not allow you to do as much as it used to and should be looked at.
- It has been flagged that CAGS approvals have been stalled because of the Scottish Government's internal financial approval processes and a large number of approval letters is sitting there ready to go out.

Action: A letter will be sent to the Scottish Government to release the CAGS funds immediately

Agenda item 8

DONM: Wed 11 Sept 2024 – online